App. F. IX-4

1926.

File No. 139-26

Previous References (Courts)

Serial Nos. 1-2

Later References

PRESERVED

General and Revenue Secretariat.

Serial Nos. Two

Part B for May 9 27

SUBJECT

Rules framed by the Chief Court under the Mysore Insolvency Regulation no XI of 1925.

No P 5-981 dt 18-5-27

To the Regr Chief Court

sanctioned with certain changes.

Manasamma Iyengar
31/5/27

G. R. S. III—1] 1926-27

GENERAL AND REVENUE SECRETARIAT.

Courts

NOTES.

File No. 139-26

FILE HEADING.

Rules under the Mysore Insolvency Regulation no XI of 1925.

From

The Registrar Chief Court

Office No. 1069 Dated 23-9-26 Received 8-10-26

Diary No. 1742	Enclos. 1	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards for sanction of Govt the rules framed by the Chief Court under section 79 of the Mysore Insolvency Regulation XI of 1925

NOTES AND ORDERS.

Submitted.

The present rules were compared with the Rules already in force. The Rules that are new are indicated by a hyphen in the margin of the rule. Such rules are not many and they are necessitated by the amendment of the Regulation. The other alterations are only as regards the sections in the body of the Rules which have to be altered as

NOTES—First Sheet.

WD 1881—GPB—30,000—1-8-21.

1752

WD 01228—GPB—37,500—1-9-26

App. F. III—2]

General and Revenue Secretariat

C/S File No 139 of 1926-27

Serial No.	
	Cover Regulations containing the new Insolvency Regulation is put up vide Flag T.
	There is no material change. The Rules may perhaps be approved. 25/10/26
	I have gone through the rules, which are based on the Old rules. There is a re-arrangement in some places & certain additions necessitated by the amendment of the Insolvency Regulation. The Rules may be approved. The Chief Court will then publish the Rules which may come into force from 1st January 1927 as 1st December 1926 may be rather early for publication & one month being given to the Public
	Ld Secy To
	Cag 2/11
2	The Registrar, Ch. Court No. 5545 J 23/12/27. Requests him to forward a copy of the latest Insolvency Rules for reference & return.
	From The Registrar, Chief Court D.O. letter no 1069/27 4/2 Forwards for reference and early return Punjab Provincial Insolvency Act of 1920 Which contains Madras Rules

Please bring it 3/11 Ld The Singaram Medaliar Please go thro this & bring it as Mr Bolgrave has not moved it 7.2

Hon. Secy wanted the latest Madras Rules under Act V of 1920 the latest edition of Short - Captain's only Rules under Act III of 1907 hence with draft Letter for copy of the latest Madras Rules under the Act

8/11/27 Mr 9/11 NOTE—Contn. Sheet

WD 01226—GPB—37,500—1-9-26
App. F. III—2]

General and Revenue Secretariat

File No 139 of 1926-27

Serial No.

Secd

The Rules framed by the Municip. Comm. follow the Rules of Madras. Portions marked in pencil with a hyphen in the margin of the Rules have been framed to suit local conditions and are not found in Madras Rules. Some portions of Madras Rules have been omitted as they do not suit our conditions and these are indicated by VV

B/
21/5/27
Asst
21/5.

The Rules framed under Section 79 of the Municipality Regulation XI of 1865 by the Chief Comm. have been subd for sanction

The sanction is to be accorded under Section 79 of the Regulation.

The rules are based mainly on the Rules in force in Madras with necy modifications to suit local conditions

The rules were compared with the Madras Rules & the Amd are found to be in order

The Rules may be come into force from 1.7.1927. Mayyee Samuly Secy L.D

28/5
Lent on leave
28/5

I member)

Note Contn. Sheet

13/Asst 17/5/27 11568 11/5 8 M/5 98/17/5

4952/1

WD 01229—GPB—37,500—1-9-26
App. F. III—2]

General and Revenue Secretariat

C/S File No 139 of 1926-27

Serial No.

Put with drafts

B/ 13/5/27 Draft G.O. may be approved

Reg. D)

13/5

2 To

The Regr Chief Court

No P 5981 D 18/5/27

Sanctions the rules as framed by the Chief Court subject to certain changes.

7/ 25/

NOTE- Contn.Sheet

C 67 1926

1742
P 1926

IMMEDIATE

Telgm.
"JUSTICE"

CHIEF COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore....23rd September 1926

R. O. C. No. 1069
Dis.

Encl one file.

CAS 139-26-1

From

A. Sreenivasaragavachari, Esq., B.A., B.L.,
Registrar, Chief Court of Mysore.

To SECTT. GEN. 8 - OCT. 1926 G. D. SECTION.

B. N A G A P P A, Esq., Bar-at-Law,
Secretary to Government,
Local and Legislative Departments.
Bangalore.

Sir,

In continuation of my letter No. R.O.C. 1069/25-26 dated the 22nd March 1926, I am directed to forward for favour of sanction by Government the accompanying rules made by the Chief Court under Section 79 of the Mysore Insolvency Regulation 11 of 1925.

I am to observe that while the present rules are mainly based on the Mysore Insolvency Rules of 1914 (Vide Page 157, General Rules and Orders, Civil, Volume I), alterations and modifications whereever considered necessary, have been made with a view to make them conformable to the new Insolvency Regulation 11 of 1925.

Under Section 79 (3) of the said Regulation, all rules made have to be published in the Official Gazette and can have effect only on such publication. Allowing the necessary time for the consideration of the rules by Government and their publication in the Gazette, I am to suggest that the

D R A F T.

RULES UNDER THE MYSORE INSOLVENCY REGULATION XI OF 1925.

THE MYSORE INSOLVENCY RULES, 1926.

By virtue of the provisions of Section 79 of the Mysore Insolvency Regulation XI of 1925, and of all other powers thereunto enabling, the Chief Court of Mysore has, with the previous sanction of the Government of Mysore, made the following rules for carrying into effect the provisions of the said Regulation.

Title and application.

1. These rules may be called the Mysore Insolvency Rules, 1926, and shall apply to all proceedings under the Mysore Insolvency Regulation XI of 1926 in any court subordinate to the Chief Court of Mysore. They shall come into force on the 1st day of ~~(October)~~ ~~November~~ December/1926 subject to modification as to January 1927 and subject to orders July 1927 1926 and shall apply to all proceedings thereafter instituted and as far as may be to all proceedings then pending.

Forms.

2. The forms mentioned in these rules are the forms in the Appendix hereto and shall be used with such variations as circumstances may require.

Definition.

3 (1) In these rules unless there is anything repugnant in the subject or context

"The Regulation" means the Mysore Insolvency Regulation XI of 1925.

"The Court" includes a receiver when exercising the powers of the Court in accordance with Section 80 of the Regulation.

"Receiver" means a receiver appointed by the Court under Section 56 (1) of the Regulation.

"Interim Receiver" means a receiver appointed by the Court under Section 20 of the Regulation.

"Proved debt" means the claim of a creditor so far as it has been admitted by the Court.

(2) Save as otherwise provided, all words and expressions used in these rules shall have the same meaning as those assigned to them in the Regulation.

Cause, title and number.

4. (1) Every petition, application and affidavit or order in any proceeding under the Regulation or under these rules shall be headed by a cause title in Form No.1.

(2) Every insolvency petition shall be entered in the Register of insolvency petitions to be maintained in Form Register No.VII in all courts exercising insolvency jurisdiction and shall be given a serial number in that register and all subsequent proceedings in the same matter shall bear the same number.

Inspection of proceedings.

5. All insolvency proceedings may be inspected by the receiver, the debtor and any creditor who has tendered proof of his debts or any legal representative on their behalf at such times as the Court may prescribe.

Creditor to furnish copies of his petition.

6. (1) When an insolvency petition presented by a creditor is admitted the creditor shall within seven days thereafter furnish a copy of the petition for service on the debtor or if there are more debtors than one as many copies as there are debtors, and the chief

ministerial officer of the Court shall sign the copy or copies if on examination he finds them to be correct.

(2) The copy shall be served together with the notice of the order fixing the date for the hearing of the petition on the debtor or upon the person upon whom the Court orders notice to be served.

Particulars in petitions

A debtor's petition shall be in Form No.2 and a creditor's petition shall be in Form No.3.

Death of debtor before hearing af petition.

8. If a debtor against whom an insolvency petition has been admitted dies before the hearing of the petition, the Court may order that notice of the order fixing the date for the hearing of the petition shall be served on his legal representative or on such other person as the Court may think fit in the manner provided for the service of summons

Proof of debts.

9. (1) Unless otherwise ordered, all claims shall be proved by affidavit in Form No. 15 in the manner provided in Section 49 of the Regulation,

provided that before admitting any claim the Court may call for further evidence.

(2) The affidavit may be made by the creditor or by some person authorised by him, provided that if the deponent is not the creditor the affidavit shall state the deponent's authority and means of knowledge.

(3) As soon as may be after proof of any debt is tendered, the Court shall by order in writing admit the creditor's claim in whole or in part or reject it provided that when a claim is rejected in whole or in part, the order shall state briefly the reasons for the rejection.

(4) A copy of every order rejecting a claim or admitting it in part only shall be sent by the Court by registered post to the person making the claim within seven days from the date of the order.

Numerous claims.

(10. In any case in which it shall appear from the debtor's statement that there are numerous claims for wages by workmen and others employed by the debtor, it shall be sufficient if one

proof for all such claims is made either by the debtor or by some other person on behalf of all such creditors Such proof shall be in Form No. S. 16.

Sale of immoveable property of the insolvent.

11. If no receiver is appointed and the Court in the exercise of its powers under Section 58 of the Regulation sells any immoveable property of the insolvent, a deed of sale of the said property shall be prepared by the purchaser at his own cost and shall be signed by the presiding officer of the Court.

Schedule of Creditors.

12 As soon as a Schedule of creditors has been framed, a copy thereof shall, if a receiver or interim receiver has been appointed, be supplied to him and all subsequent entries and alterations made therein shall be communicated to the receiver or interim receiver.

Consideration of Compositions and schemes of arrangement.

13. (1) If a debtor submits a proposal under Section 38 (1) of the Regulation, the Court shall fix a date for the consideration of the proposal and notice thereof together with a copy of the terms of the proposal shall be sent to every creditor who has ~~proof~~ proved.

(2) At the meeting for the consideration of the proposal the debtor shall be entitled to address the Court in person or by pleader in support of the proposal and every creditor who has proof shall be entitled in person or by pleader to question the debtor and address the Court.

Appointment of and security from Receiver and interim Receiver

14. (1) Every appointment of a receiver or interim receiver shall be by order in writing signed by the Court. Copies of this order sealed with the seal of the Court shall be served on the debtor and forwarded to the person appointed.

(2) Every receiver or interim receiver other than an official receiver shall be required to give such security as the court thinks fit.

(3) The Court shall not require an official receiver to give security.

(4) In cases where the official receiver is empowered to make orders of adjudication under Section 80 of the Regulation he shall send a copy of every order of adjudication made by him to the Court in which the proceed

ings are pending and may apply that he may be appointed receiver for the property of the insolvent

(5) The Court may thereupon appoint an official receiver to be receiver for the property of the insolvent, and unless it sees fit to do so, it shall not be necessary to give notice of the application to any person provided that any party to the proceedings may apply to the court after notice to the official receiver and the insolvent that the appointment of the official receiver may be set aside or that a special receiver may be appointed in his place.

Removal or discharge of ~~official~~ receiver or interim receiver.

15 (1) The Court may remove or discharge any receiver or interim receiver other than an official receiver and any receiver or interim receiver so removed or discharged shall unless the Court otherwise orders deliver up any assets of the debtor in his hands and any books, accounts or other documents relating to the debtor's property which are in his possession or under his control to such person as the Court may direct.

(2) If an order of adjudication is annulled, the receiver (if any) shall unless the court otherwise orders deliver up any assets of the debtor in his hands and any books, accounts or other documents relating to the debtor's property which are in his possession or under his control to the debtor or such other person as the Court may direct.

Receiver or interim Receiver, an officer of the Court.

16. Every receiver or interim receiver shall be deemed for the purpose of the Regulation and of these rules to be an officer of the Court.

Applications by receiver or interim receiver.

17. (1) Every application to the Court made by a receiver or an interim receiver shall be in writing.

(2) The Court may order that notice of any application by the receiver or interim receiver and of the date fixed for the hearing of the application shall be sent by registered post to all creditors who have ~~proof~~ proved.

Remuneration to Receivers.

18. (1) The remuneration of receivers or interim receivers other than official receivers shall be in such proportion to the amount of the dividend

distributed as the court may direct provided that it does not exceed 5 per centum of the amount of the dividends

(2) If a receiver other than the official receiver has been appointed in an insolvency in which the Court makes an order approving the proposal under Section 38 (7) of the Regulation, remuneration to be paid to the receiver shall be fixed by the Court and the order approving the proposal shall make provision for the payment of the remuneration and shall be subject to the payment thereof.

Receiver's Report

19. Unless the Court otherwise directs, the receiver or interim receiver shall as soon as may be after his appointment and in any case before the hearing of the debtor's application for discharge, make his report. The receiver or interim receiver in making his report shall state whether in his opinion any of the facts mentioned in Section 42 of the Regulation exists and if the debtor submits a proposal under Section 38 (1) of the Regulation the receiver shall state in his report whether in his

opinion the proposal is reasonable and is likely to benefit the general body of the creditors and shall state the reasons for his opinion.

Debtor to furnish accounts.

20. Unless the Court otherwise directs, the debtor shall furnish the receiver or interim receiver or, if a receiver or interim receiver has not been appointed, the Court with a trading account and an account showing all moneys and securities paid, disposed of or encumbered or recovered by or from the debtor, or on his account and his income and the source thereof for such period as the receiver or interim receiver or, if a receiver or interim receiver has not been appointed, the Court may direct, provided that the receiver or interim receiver shall not without the previous sanction of the Court direct the debtor to furnish accounts for more than two years before the date of the presentation of the insolvency petition.

Receiver's accounts.

21. The receiver or interim receiver shall keep a Cash Book and such books and other papers as are necessary to give a correct view of the

administration of the estate and shall submit his accounts at such times and in such forms as the Court may direct. Such accounts shall be audited by such person or persons as the Court may direct. The cost of the audit shall be fixed by the Court and shall be paid out of the estate.

Deposit of valuable securities.

22. The receiver, interim receiver or official receiver shall deposit all valuable securities for safe custody with the Nazir and whenever a sum exceeding Rs.500 shall stand to the credit of any one estate, the receiver, interim receiver or official receiver shall give notice thereof to the Court and unless it shall appear that a dividend is about to be immediately declared, he shall obtain the Court's order to invest the same in the Mysore Government Savings Bank or some security approved by Government

Distribution of dividends.

23. (1) No dividend shall be distributed by a receiver without the previous sanction of the Court.

(2) The amount of any dividend due to a creditor may at his request be transmitted to him by post at his risk and expense.

Application for discharge

24. (1) An application for discharge shall not be heard until after the Schedule of creditors has been framed

(2) Every creditor who ~~was~~ has proved shall be entitled in person or by pleader to appear at the hearing and oppose the discharge, provided that he has served upon the insolvent and upon the receiver (if any) not less than seven days before the date fixed for the hearing, a notice stating the grounds of his opposition to the discharge

(3) A creditor who has not served the prescribed notices shall not (unless the Court otherwise directs) be permitted to oppose the discharge of the debtor, and a creditor who has served the prescribed notices shall not be permitted, unless the court otherwise directs, to oppose the discharge on any ground not specified in the notice.

(4) At the hearing of the application the Court may hear any evidence which may be tendered by a creditor who has served the prescribed notices or by the receiver and also ~~in~~ any evidence which may be tendered on behalf of the debtor and shall examine

the debtor if necessary for the purpose of explaining any evidence tendered, and may hear the receiver, the debtor in person or by pleader and any creditor in person or by pleader who has served the prescribed notices.

Memorandum of publication of Notices.

25. Whenever publication of any notice or other matter is required by the Regulation to be made in the official Gazette, a memorandum referring to and giving the date that such advertisement appeared shall be filed with the record and noted in the Order Sheet.

Notices.

26. (1) Notices to be given under Sections 19 (2), 30, 37 (2), 38 (1) and 41 (1) of the Regulation shall be published in the Mysore Government Gazette in English or in Kanarese as the Court may direct and in such other manner if any as the Court may direct and copies of the notices in English or in Kanarese shall be affixed to the notice Board of the Court. When the debtor is a Government servant, a copy of the order shall be sent to the Head of the Office in which he is employed.

(2) The notices to be given under Sections 19 (2), 38 (1) and

17

1 (1) of the Regulation shall be
ublished and affixed in the manner
rovided in paragraph 1 of this rule
ot less than 14 days before the date
ixed for the hearing of the applica-
ion, the consideration of the proposal,
he limit of time fixed for proving
laims, or the hearing of the applica-
ion for discharge as the case may be.

(3) Notice of the date fixed for the hearing of the insolvency petition under Section 19 (1) of the Regulation, shall be sent by the Court by registered post if the petition is by the debtor to all creditors mentioned in the petition and if the petition is by a creditor to the debtor, not less than fourteen days before the said date.

(4) The notice to be given under Section 33(3) of the Regulation shall be served only on the debtor and on the creditors who have proved their debts and may, if the Court so directs be served on any or all such creditors by registered post.

(5) Notice of the date fixed for the consideration of a proposal under Section 38(1) of the Regulati shall be sent by the Court by regis

post to all creditors who have tendered proof of their debts not less than fourteen days before the said date.

(6) Notice of the date fixed for the hearing of an application for discharge under Section 41(1) of the Regulation shall be despatched by the Court by registered post to all persons whose names have been entered in the Schedule of creditors not less than fourteen days before the said date.

(7) Notice to be given under Section 64 of the Regulation shall be sent by the receiver by registered post to all persons whose claims to be creditors have been notified but not proved, not less than one calendar month before the limit of time fixed for proving claims.

(8) It shall not be necessary to give notice of the date to which the hearing of a petition or an application for discharge or the consideration of a proposal is adjourned

(9) The notice of an order of adjudication to be published under Section 30 of the Regulation shall contain a statement that creditors should prove their claims

as soon as possible and that a claim may be proved by delivering or sending by registered post to the Court or official receiver as the case may be an affidavit in Form No. ~~4~~ 15.

Certificate by officer of Court or receiver.

27. A certificate of ~~service of notice~~ an officer of the Court or of the official Receiver or an affidavit by a receiver or interim receiver that any of the notices referred to in the preceding rules has been duly posted accompanied by the Post Office receipt shall be sufficient evidence of such notice having been duly sent to the person to whom the same was addressed.

Summary administration.

28. If the Court makes an order under Section 74 of the Regulation that the debtor's estate ~~shall~~ be administered in a ~~xxx~~ summary manner,

(a) the petition and all subsequent proceedings shall be endorsed "summary case"

(b) the receiver or interim receiver shall not carry on the business of the debtor under clause (c) of Section 59 of the Regulation, nor institute any suit under clause (d) of the said Section, nor accept as the consideration for the sale of any property of

the debtor a sum of money payable at a future time under clause (f) nor mortgage nor pledge any part of the property of the debtor under clause (g).

Costs.

29. (1) All proceedings under the Regulation down to and including the making of an order of adjudication shall be at the cost of the party prosecuting them but when an order of adjudication has been made the cost of the petitioning creditor including the costs of the publication of all Gazette notices required by the Regulation or rules which by the Regulation or rules the petitioning creditor is required to pay, shall be taxed and be payable out of the estate

(2) Before making an order in an insolvency petition presented by a debtor the Court may require the debtor to deposit in court a sum sufficient to cover the costs of sending the prescribed notices of the hearing of the petition and the costs of publication of all gazette notices required by the regulation or rules which by the Regulation or rules the debtor is required to pay.

(3) No costs incurred by a debtor of or incidental to an application to approve a composition or scheme shall be allowed out of the estate if the Court refuses to approve the composition or scheme.

Copies.

30. Any creditor who has proved his debt may apply to the Court for a copy of the receiver's accounts or any part thereof relating to the estate as shown by the Cash Book up-to-date and shall be entitled to such copy on payment of the charges laiddown in rules of this Court regarding the grant of copies.

Pleader's fees

31. The fees allowed to pleaders as costs in any proceedings under the Regulation shall be such as are allowed under the rules of the Court for a miscellaneous proceeding.

Registers

32. (1) All courts and official receivers shall maintain registers of

Vide P.P. 80 - 83 Gen. Rules & orders Civil Vol II

1. Insolvency petitions received,
2. Insolvency petitions disposed of,
3. Proceedings in insolvency subsequent to order of adjudication (in Forms Register No.VII, VIIA, and VIIB)

In addition to these registers official receiver shall maintain

1. a dividend Register,

2. a register of assets,

3. a documentary register (Inventry)

in Forms Nos. VII C, VII D, and VII E.

Proceedings by or against a Firm.

33. (1) When any petition, notice or other document is signed by a firm of creditors or debtors in the Firm's name, the partner signing for the firm shall add also his own signature in the following manner

"B & Co., by A.B., a partner in the said Firm".

(2) Any petition or notice of which personal service is necessary, shall be deemed to be duly served on all members of the Firm, if it is served at the place of business of the Firm in the Mysore State or in British India, upon any one of the partners or upon any person having at the time of service the control or management of the partnership business there.

(3) When a Firm of debtors file an insolvency petition the same shall contain the names in full of the individual partners and unless it is signed by all of them it shall be accompanied by the affidavit of the partner signing it that all the partners concur in the filing of the same.

(4) When a creditor files an insolvency petition against a Firm the same shall state the names of the individual partners so far as the same are known to the petitioner and the debtors shall together with the Schedule of affairs file an affidavit setting out the names in full of the individual partners.

(5) An order of adjudication shall be made against the partners individually.

(6) The debtor shall submit a Schedule of their partnership affairs and each debtor shall submit a Schedule of his separate affairs.

FORM No.1

General Title.

(Rule 4 (1))

In the Court of

Insolvency Petition No. of 19

In the matter of

Ex parte (here insert "the Debtor" or "A.B. or Creditor" or "the official Receiver" or "the Receiver").

FORM No.2.

Debtor's Petition.

(Section 13(1) of the Insolvency Regulation,1925)

***

In the Court of the

Petitioner.

I (a) ordinarily residing at (or "carrying on business at," "or personally working for gain at," or "in custody at") in consequence of the order of (b) being unable to pay my debts, hereby petition that I may be adjudged an insolvent. The total amount of all pecuniary claims against me is Rs. (c) as set out in detail in Schedule A annexed hereunto, which contains the names and residences of all my creditors so far as they are known to, or can be ascertained by me. The amount and particulars of all my property are set out in Schedule B annexed hereunto together with a specification of all my property, not consisting of money, and the place or places at which such property is to be found and I hereby declare that I am willing to place all such property at the disposal of the Court save in so far as it includes such particulars (not being my books of account) as are exempted by law from attachment and sale in execution of a decree.

I have not on any previous occasion filed a petition to be adjudged an insolvent, or, I set out in Schedule C particulars (d) relating to my previous petition to be adjudged an insolvent.

(Signature)

(Verification clause as in plaints)

(a) Insert name and address and description of debtor.

(b) State name of Court and particulars of decree in respect of which the order of detention has been made or by which an order of attachment has been made against debtor's property.

(c) State whether, and how, any of the debts are secured.

(d) The particulars required are

(i) Where a petition has been dismissed, reasons for such dismissal.

(ii) Where a debtor has previously been adjudged an insolvent concise particulars of the insolvency including a statement whether any previous adjudication has been annulled, and if so, the grounds therefor.

76

S C H E D U L E A - (Debts).

Name of Creditor.	Residence of Creditor.	Amount of debt.			Nature of debt.	—Security.			Remarks.
						Nature.	Amount.		
1	2	3			4	5	6		7
		Rs.	A.	P.			Rs.	A. P.	

Column 4.- In this column enter whether the debt is a judgment debt, amount due on promissory note, mortgage debt, verbal loan, balance for goods, security for another, etc. In the case of a judgment debt state the name of the Court and the number of the case.

Column 5.- In this column state the nature of property, whether land, house, gold, etc., and the nature of the -- security, whether deposit, pledge without possession, pledge with possession, mortgage, deposit of title-deeds, etc.

KLN/3.

S C H E D U L E B - (Assets).

(1) Moveable and Immoveable Property.

Description of property.	Place where situated.	In whose possession.	In the case of land.		If Mortgaged, state.						Remarks.
			Name of ~~kwin~~ Khakdar Survey and ~~holding~~ No.	Area.	Value of property.			Name and residence of mortgagee.	Amount of mortgage.		
					Rs.	A.	P.		Rs.	A. P.	
1	2	3	4	5	6			7	8		9

Column 9.- In the remarks columh state if petitioner is only part owner of the property, and, if so, who the other owners are, and what his share in the property is.

RLN/3.

S C H E D U L E B - (Assets).

(2) Debts owing to Petitioner.

Name of Debtor.	Residence of Debtor.	Nature of Debt.	Amount of Debt.	When contracted.	Good, bad or doubtful.	Security.		Remarks.
						Nature.	Amount.	
1	2	3	4	5	6	7	8	9
			Rs. A. P.				Rs. A. P.	

Column 3.- In this column enter particulars as in column 4 or Schedule A.

RLN/3.

FORM No.3.

Creditor's Petition

(Sections 9(1) and 13(2) of Insolvency Regulation, 1925)

* *

I.C.D. of (Or We C.D., of and E.F., of) hereby petition the Court that A.B. (a) ordinarily residing at, (or "carrying on business at " or "personally working for gain at ") may be adjudged an insolvent and say :--

(a) Insert name address and description of debtor.

1. That the said A.B. is justly and truly indebted to me (or us in the aggregate) in the sum of Rs. (set out amount of debt or debts, and the consideration).

2. That I (or we) do not, nor does any person on my (or our) behalf hold any security on the said debtor's estate, or any part thereof, for the payment of the said sum.

O R,

That I hold security for the payment of (or part of) the said sum (but that I will give up such security for the benefit of the creditors of the said A.B. in the event of his being adjudged insolvent) (or, and I estimate the value of such security at the sum of Rs.

O R,

That I, C.D., one of your petitioners hold security for the payment of etc.

That I, E.F., another of your petitioners, hold security for the payment of etc.

3. That the said A.B. within 3 months before the date of the presentation of this petition has committed the following act (or acts) of insolvency namely, (here set out the nature and date or dates of the act or acts of insolvency relied on).

(Signature)

(Verification clause as in plaints

F O R M No.4.

NOTICE TO CREDITORS OF THE DATE OF HEARING OF AN INSOLVENCY PETITION.

(Section 19 of Insolvency Regulation,1925).

In the Court of

Insolvency
~~Miscellaneous~~ No. of 192

In the matter of

To

(a) Here insert name,description and address.

(a)

WHEREAS

has applied to this Court, by a petition dated 192 , to be declared an insolvent under the Mysore Insolvency Regulation (11 of 1925), and your name appears in the list of creditors filed by the aforesaid debtor; this is to give you notice that the Court has fixed the day of 192 for the hearing of the aforesaid petition and the examination of the debtor. If you desire to be represented in the matter, you should attend in person or by duly instructed pleader.

The particulars of the debt alleged in the petition to be due to you are as detailed below.

Given under my hand and the seal of the Court this day of 192

J U D G E.

(Particulars of Debt).

FORM No. 5.

NOTICE OF ORDER OF ADMISSION OF INSOLVENCY PETITION TO DEBTOR.

(Section 19(3), Insolvency Regulation, 1925).

In the Court of

~~Miscellaneous~~ Insolvency No. of 192

In the matter of

To

(a) Here insert name, description and address.

(a) Debtor.

WHEREAS A.B. a Creditor has applied to this Court by a petition dated of 19 to declare you an insolvent under the Mysore Insolvency Regulation 11 of 1925 and such insolvency petition is admitted, this is to give you notice that the Court has fixed the day of for the hearing of the aforesaid petition.

Dated this day of

19

JUDGE.

F O R M No. 6.

BOND TO BE GIVEN BY DEBTOR.

(Section 21 (1) of Mysore Insolvency Regulation,1925)

******

In the Court of

Insolvency ~~Civil~~ No. of 192

KNOW all men by these presents that we
son(s) of residing at and
son(s) of residing at are
jointly and severally bound unto Judge of the ~~District~~
Court of in Rs. to be paid to the said
or to his successor in office or to the assigns of the Judge of the said Court for the time being for which payment to be made, we bind ourselves and each of us in the whole our and each of our heirs, executors and administrators, jointly and severally by these presents.

Whereas (a) has been ordered under Section 21(1) of the ~~Mysore~~ Mysore Insolvency Regulation 11 of 1925, to give reasonable security for his appearance until final orders are made upon the insolvency petition filed by him/ his creditors and whereas have consented to be sureties for the said

(a) Here enter name,description and address of debtor. Sureties to sign on the right side of line. Witnesses to sign on the left side and to give their descriptions and addresses.

Now the condition of the above obligation is such that if the said shall appear before the Court whenever called upon by it to do so. Then this obligation shall be void and of no effect, otherwise, the same shall remain in full force and effect.

In Witness whereof we have hereunto set our hands this day of 192

Signed by.....

.....

In the presence of.....

.....

F O R M No.7.

WARRANT OF COMMITTAL OF DEBTOR IN INSOLVENCY PROCEEDINGS.

(Section 21(1), Insolvency Regulation, 1925).

******

In the Court of

Insolvency ~~Petition~~
~~Civil Miscellaneous~~ No. of 192

Applicant) Vs. (Respondent.

To

The Superintendent of the Jail at

WHEREAS son of
residing at has been ordered to
give security for his appearance until final orders are passed on the insolvency petition filed by him / his creditors
and has failed to do so.

These are to direct you to detain the said in custody until the further orders of this Court.

Given under my hand and the seal of the Court this day of 192

J U D G E.

F O R M No.8.

ORDER OF ADJUDICATION.

(Section 27, Insolvency Regulation of 1925.)

General Title.

****

Pursuant to a petition dated against (here insert name, description, and address of debtor) and on the application of (here insert "the official Receiver" or "the Debtor himself" or "A.B. of a Creditor"), and on reading and hearing it is ordered that the debtor be and the said debtor is hereby adjudged insolvent.

Dated this day of 19

J U D G E.

F O R M No.9.

NOTICE OF APPLICATION BY UNSCHEDULED CREDITOR.

(Section 33(3). Insolvency Regulation, 1925.)

In the Court of

Insolvency
~~Miscellaneous~~ No. of 192

In the matter of an insolvent.

To

WHEREAS (here insert name, description and address) who claims to be a creditor of (a) for whose adjudication as an insolvent a petition was filed in this Court ~~xxx~~ on the day of 192 , has tendered proof of the debt due to him by the said , and has applied to this Court for an order directing his name to be inserted in the Schedule as a creditor for such debts: This is to give you notice that the said application will be heard in this Court on the day of 192 when you should appear personally, or by Pleader, if you desire to object to it.

Given under my hand and the seal of the Court this day of 192.

J U D G E

F O R M No.10.

ORDER ANNULLING ADJUDICATION.

(Section 35, Insolvency Regulation,1925).

****

In the Court of

~~Miscellaneous~~ Insolvency No. of 192

In the matter of

On the application of (a) and

(a) Here enter name, description and address.

on reading and hearing it is ordered that the order of adjudication dated against of , be and the same hereby is annulled.

Given under my hand and the seal of the Court, this day of 192

J U D G E.

F O R M No. 11.

NOTICE TO CREDITORS OF THE DATE OF CONSIDERATION OF A COMPOSITION OR SCHEME OF ARRANGEMENT.

(Section 38 of Insolvency Regln 1925)

In the Court of

Insolvency
~~Miscellaneous~~ No.....of 192

Take notice that the Court has fixed the day of 192 for the consideration of a composition (or scheme of arrangement) submitted by A.B., the debtor in the above insolvency petition. No creditor who has not proved his debt before the aforesaid date will be permitted to vote on the consideration of the above matter. If you desire to be represented at the above mentioned hearing, you should be present in person or by duly instructed pleader with your proofs.

J U D G E.

(F O R M No. 12).

38

LIST OF CREDITORS FOR USE AT MEETING HELD FOR CONSIDERATION OF COMPOSITION OR SCHEME.

(Section 38 (2) Insolvency Regln 1925)

In the Court of

Insolvency
~~Miscellaneous~~ No. of 192

Meeting held at this day of 192

No.	Names of all creditors whose proofs have been admitted.	Here state as to each creditor, whether he voted, and, if so, whether personally or by pleader.	Amount of assets.			Amount of admitted proof.		
			Rs.	A.	P.	Rs.	A.	P.

Total

Required number of majority

Required value Rs.

RLN/3.

F O R M No.13.

NOTICE TO CREDITORS OF APPLICATION FOR DISCHARGE.

(Section 41 (1), Insolvency Regulation,1925).

In the Court of

~~Miscellaneous~~ Insolvency No. of 192

(a) Here enter name,description and address.

In the matter of (a)

Take notice that the abovenamed insolvent has applied to the Court for his discharge, and that the Court has fixed the day of 192 at ~~xx~~ O'clock for hearing the application.

Given under my hand and the seal of the Court this day of 192.

J U D G E.

40

FORM No.14.

ORDER OF DISCHARGE SUBJECT TO CONDITIONS AS TO EARNINGS? AFTER-ACQUIRED PROPERTY, AND INCOME.

(Section 41 (2) (c), Insolvency Regulation,1925).

In the Court of

Insolvency ~~Miscellaneous~~ No. of 192

In the matter of

On the application of (1) adjudged insolvent on the day of 192 , and upon taking into consideration the report of the Official Receiver (or Receiver) as to the insolvent's conduct and affairs and hearing and creditors:

It is ordered that the insolvent (2)

After setting aside out of the insolvent's earnings, after-acquired property, and income, the yearly sum of Rs. for the support of himself and his family, the insolvent shall pay the surplus (3) if any, of such earnings, after-acquired property, and income to the Court or Official Receiver (or Receiver) for distribution among the creditors in the insolvency. An account shall, on the first day of January in every year, or within fourteen days thereafter, be filed in these proceedings by the insolvent, setting forth a statement of his receipts from earnings, after-acquired property, and income during the year immediately preceding the said date, and the surplus payable under this order shall be paid by the insolvent into Court or to the Official Receiver (or Receiver) within fourteen days of the filing of the said account.

(1) Here enter name, description and address.

(2) (a) be discharged forthwith; or
(b) be discharged on the ; or
(c) be discharged subject to the following conditions as to his future earnings, after-acquired property, and income :--

(3) or such portion of the surplus as the Court may determine.

Given under my hand and the seal of the Court, this day of 192

J U D G E.

41

F O R M No.15.

PROOF OF DEBT.

General Form -- (Section 49. Ins. Reg^s 1934

In the Court of

Insolvency
~~Miscellaneous~~ No.....of 192

In the matter of No. (a)

of 192

I, of (b) make oath and say (or solemnly and sincerely affirm and declare):

1. That the said were/was at the date of the petition, viz., the day of 192 , and is/are still ----, justly and truly indebted to me in the sum of Rs. a. p. for (c) as shown by the account endorsed hereon (or the following account, viz.,) for which sum, or any part thereof, I say that I have not nor hath any person by my order to my knowledge or belief for my use had or received any manner of satisfaction or security whatsoever save and except the following (d) :--

Admitted to vote for Rs.

Sworn at this day of before me.

JUDGE OR OFFICIAL RECEIVER.

DEPONENT'S SIGNATURE COMMISSIONER.

(a) Here insert number given in the notice.
(b) Address in full.
(c) State consideration and specify the vouchers (if any) in support of the claim.
(d) Here details of securities, bills, or the like.

42

FORM No.16.

PROOF OF DEBT OF WORKMEN.

(Rule 10 of Insolvency Rules 1926)

In the Court of

~~Miscellaneous~~ Insolvency No. of 192

(a) Full name of deponent.
(b) Fill in address of deponent, stating whether he is the debtor or the foreman, etc. of the debtor, or other person on behalf of the workmen and others employed by the debtor.
(c) "I" or "the said ".
(d) "My employ" or "the employ of the abovenamed debtor".
(e) "Me" or "the abovenamed debtor".

I, (a) of (b) make oath and say (solemnly and sincerely affirm and declare)

1. That (c) was at the date of the adjudication, viz., the day of 192 and still am/is justly and truly indebted to the several persons whose names, addresses and descriptions appear in the schedule endorsed hereon in sums severally set out against their names in the sixth column of such schedule for wages due to them respectively as workmen or others in respect of services rendered by them respectively during such periods before the date of the receiving order as are set out against their respective names in the fifth column of such schedule, for which said sums, or any part thereof, I say that they have not nor hath any of them had or received any manner of satisfaction or security whatsoever.

Admitted to vote for Rs.

Sworn at this day of before me.

JUDGE OR OFFICIAL RECEIVER.

DEPONENT'S SIGNATURE

COMMISSIONER.

F O R M No. 17.

ORDER APPOINTING A RECEIVER.

(Section 56, Insolvency Regulation, 1925)

*****

In the Court of

Insolvency
~~Miscellaneous~~ No. of 192

In the matter of

(a) Here enter name, description and address of the insolvent.

Whereas (a)
was adjudicated an insolvent by order of this Court, dated 192 and it appears to the Court that the appointment of a Receiver for the property of the insolvent is necessary.

It is ordered that a receiving order be made against the insolvent and a receiving order is hereby made against the insolvent and

of

(or the Official Receiver) is hereby constituted Receiver of the property of the said insolvent. And it is further ordered that the said Receiver (not being the Official Receiver) do give security to the extent of and that his remuneration be fixed at

Given under my hand and the seal of the Court this day of 192

J U D G E.

(F o r m No. 18.)

NOTICE TO PERSONS CLAIMING TO BE CREDITORS OF

NTENTION TO DECLARE FINAL DIVIDENI

-:000:-

(Section 64.† Insolvency Regulation 1925)

In the Court of

Insolvency
~~Miscellaneous~~ No. of 192

Take notice that a final dividend is intended to be declared in the above matter, and that if you do not establish your claim to the satisfaction of the Court on or before the day of 192 or such later day as the Court may fix, your claim will be expunged, and I shall proceed to make a final dividend without regard to such claim

Dated this day of 192

Receiver.

RLN/3.

45

(F O R M No. 19.)

WARRANT OF COMMITTAL OF DEBTOR IN INSOLVENCY PROCEEDINGS.

-:000:-

(Section 69, Mysore Insolvency Regulation 1925)

IN THE COURT OF

Insolvency ~~Miscellaneous~~ No. of 192

To

The SUPERINTENDENT of the JAIL at

Whereas a petition has been presented to this Court that (1) may be adjudged an insolvent:

And whereas the said has been found upon inquiry duly made to have (2) and has been sentenced by this Court to simple imprisonment for the term of

You are hereby directed to receive the said into your custody, together with this warrant, and carry the aforesaid sentence into execution according to law.

Given under my hand and the seal of the Court this day of 192

Judge.

(1) Here enter name, description and address.

(2) Here enter the substance of (a), (b), or (c), as the case may be, of section 69.

RLN/3.

(F O R M No. 20.) 46

SUMMARY ADMINISTRATION.

~~Insolvency~~ Insolvency Regulation 1925.)

(Section 74, ~~Provincial Insolvency Act.~~)

-:o0o:-

In the Court of

Insolvency
~~Miscellaneous~~ No. of 192

(a) Here enter name, description and address of debtor.

In the matter of (a)

Take notice that on the day of 192 the abovenamed debtor presented a petition to this Court - praying to be adjudicated an insolvent, and that on the day of 192 the Court being satisfied that the property of the debtor is not likely to exceed Rs.500/-, -- directed that the debtor's estate be administered in a summary manner and appointed the day of 192 for the further hearing of the said petition and the examination of the said debtor.

Also take notice that the Court may on the aforesaid date then and there proceed to adjudication and distribution of the assets of the aforesaid debtor. It will be open to you to appear and give evidence on that date. Proof of any claim you desire to make must be lodged in Court on or before that date.

Given under my hand and the seal of the Court this day of 192

Judge.

RLN/3.

REGISTER No. VII.

Register of Insolvency Petitions received.

Court .....

Year .....

1	2	3	4	5	6	7	8	9	10	11	12
Number of Insolvency petition	Date of receipt on the file by institution or transfer.	Number of comected suit or petition, if any.	Name and description of petitioner and name of his pleader.	Name and description of opposite party and name of his pleader.	Names and description of all other parties interested in the proceedings and names of their pleaders.	Particulars of circumstances under which the petition is presented.	Total extent of the debtor's assets and liabilities.	date fixed for hearing.	Date of disposal and order.	Number of appeal with result and date.	number of revision case with revision and date.

Instructions.

1. *In column 4, state if the petitioner is the debtor or the creditor. In the ~~xxx~~ case of a judgment-debtor, if he is under arrest or imprisonment or if there is an order of attachment against his property subsisting, the fact should be mentioned.*

2. *If there is a substitution of petitioners under Section 9 of the Insolvency Regulation, the name of the new petitioner should also be mentioned.*

3. *Petitions taken up as summary cases should be so entered in column 1(*).*

Register No.VII A.
Register of Insolvency Petitions Disposed of

Court.....

Year.....

Serial No.	Number of the insolvency petition disposed of	Number of connected suit or petition, if any	Date of receipt on the file by institution, transfer or otherwise	Date of disposal	Transferred, withdrawn or not prosecuted	Scheme of composition approved under Section 39 without previous order of adjudication	How disposed of: Order of adjudication made under Section 27. — Debtor's Petition — Receiver being appointed at the time of adjudication: Official Receiver	Debtor's Petition — Receiver being appointed at the time of adjudication: Special Receiver	Debtor's Petition — No Receiver being appointed at the time of adjudication	Creditor's Petition — Receiver being appointed at the time of adjudication: Official Receiver	Creditor's Petition — Receiver being appointed at the time of adjudication: Special Receiver	Creditor's Petition — No receiver being appointed at the time of adjudication	How disposed of: Dismissed under Section 25. — Debtor's Petition: Penal proceedings under Section 69 not being taken	Debtor's Petition: Sentence of imprisonment being passed under Section 69.	Creditor's Petition: With compensation to debtor	Creditor's Petition: Without compensation to debtor	Actual number of days occupied in the disposal of the application	Remarks.
1.	2.	3.	4.	5 6.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.	17.	18.	19.	20.

Instruction- The date to be entered in column 4 will always be the latest date, In the case of petitions restored to file, the date of original institution should be entered, and the date of restoration noted in the column of remarks (11).

(11) [illegible]

MNA.

REGISTER No. VII B (~~5~~).

Register of Proceedings in Insolvency subsequent to order of Adjudication.

Court

Year

1. *Serial number.*
2. *Date of order of adjudication.*
3. *Number of Insolvency Petition.*
4. *Subsequent orders affecting the order of adjudication.*
   (i) *Adjudication rescinded* (*Proceedings stayed.*
   (Sec. ~~37~~ 36 *and* (*Petition dismissed.*
   (ii) *Adjudication annulled under Section* ~~42(1)~~ 35.
5. *Schedule of creditors.-*
   Date of framing of schedule.
   Order adding creditor not in schedule with date.
   Order expunging debt improperly included with date.
6. *Discharge.*
   Date of ~~application~~ within which discharge must be applied for.
   Date of application.
   Date of order.. { *Refusing discharge.* / *Suspending discharge.* / *Granting conditional discharge.* / *Granting absolute discharge.*
7. *Administration of property.-*
   (i) *Date of appointment of Receiver.*
   (ii) *Receiver...* (*Official*) *Name and occupation.* / ( ) *Amount of security.* / (*Special*) *Remuneration fixed.*
   (iii) *Number of estates placed in charge of Receiver or under Court's management if there is no Receiver.*
   (iv) *Insolvent appointed to superintend management.* (*Date.* / (*Allowance fixed.*
   (v) *Amount of creditors claims..* (*Admitted.* / (*Disallowed.*
8. *Penal provisions enforced :.....*

Debtor dealt with under section ~~42(2)~~ 69. { *Nature of misconduct* [*Clause (a), (b) or (c).*] / *Period* ~~xx~~ *of imprisonment.*

9. *Action taken against Receiver under Section* ~~19(4)~~ 56(4). { *Nature of default* [*Clause (a), (b) or (c).*] / *Steps taken.* { *Date.....* / *Result.....*

9. *Appeals .....*

Number.	*Date of order appealed from.*	*Order appealed against.*	*Date of disposal.*	*Result.*

10. *Revision cases .....*

Number.	*Date of order under revision.*	*Order under revision.*	*Date of disposal.*	*Result.*

Date of order / Result of trial

Debtor sent before Magistrate under Sec. 72

× here enter as in margin

Register

NO. VII C.

DIVIDEND ——— REGISTER.

Petition No.

In the matter of the petition of.....an insolvent debtor.

Number	Names of Creditors.	Amount of debts.	First dividend at per cent by order of court of	Second dividend at per cent by order of court of	Signature of creditor or his agent.	Signature of identifying attestors	Thumb impression of payees, if necessary.	REMARKS.

Number of petition and name of court.
Date of vesting order.
Name of insolvent.
Description of property as per Schedule.
Estimated value.
Amount realized.
Date of realization.
Remarks.

Register
~~Book~~ NO. VII

REGISTER OF ASSETS.

Register

FORM NO. VII E.

DOCUMENT REGISTER

No.....of 19

In the matter of the petition of .....an insolvent debtor.

Date	From whom	Description of documents.	When returned and the signature of the recipient.	Remarks.

APP. F. VI. Gl.]

SUBJECT....

.....

.....

53

Section

File No.

Serial No.

No. 13545

To The Registrar, Civil Court

General and Revenue Secretariat

( )

the 192

Diary No. of letter replied to.....

Date of issue 23/4/27

Signed by M. 15

Dear Sir,

With reference to your letter no Roc 1069/25-26 dt 23.9.1926 re Rules under the Madras Insolvency Regulation XI of 1825, I am to request you to kindly forward a copy of the latest Madras Insolvency Rules for reference and return.

23/4 Yours truly

List of enclosures.....

Copied by.....

Examined by.....

over

284

Rvcno 1069 (one book)
25-26

4552
P 828
54

CHIEF COURT OF MYSORE

Bangalore, dated 27th April 1927.

Dear Sir,

Your D.O. No. P. 5545/Cts. 139-26 dated 23-4-1927. I send as desired for reference and early return, Ghosh's Provincial Insolvency Act 1920 which contains the Madras Insolvency Rules at Page 357.

Yours sincerely,

28/4/27

REGISTRAR.

To

By

T. Singaruvelu Mudaliar, Esq., B.A., B.L.,
Assistant Secretary to Government,
Law Department, BANGALORE.

KVR/-

APP. F. VI. Gl.]

SUBJECT Drafts

55

Section

File No.

Serial No.

No. 15980(1)

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

To

Dear Sir

I am directed to return herewith 'Ghosh's Provincial Insolvency Act, 1920' Fifth Edition as per your D.O. letter no Ave 1069 (25-26) dt 4-7-27

Yours faithfully

28/8/27

Date of issue 18/8/27

Signed by Mr Fox

To

Abinnasaraghavachari Esqr BDSL

Regd Chingleput

List of enclosures.....

Copied by 18/8/27

Examined by.....

over.

WD 0562—GPB—31,000—17-8-25

G.R.S.VI G 34]

SUBJECT..

Diary No. of letter replied to.....

General and Revenue Secretariat

, the *192* .

Date of issue.... 18/5/27

Signed by.....

May this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette Kannada Part ?

Section Ch

File No. 139-26

Serial No. 2

Proceedings of the Government of His Highness the Maharaja of Mysore

Read—

Correspondence ending with letter no Roc 1069/25-26 dt 23.9.1927 from the Registrar Chief Court forwarding for favour of sanction a set of Rules made by the Chief Court under section 79 of the Mysore Insolvency Regulation XI of 1925

Order Thereon No. 5987

The Rules as framed by the Chief Court are sanctioned subject to the following ~~Rectification~~ Changes

~~1) The Rules shall come into force from 1st July 1927~~

In the title, the Mysore Insolvency Rules, 1926," the year 1926 shall be changed

(3) In Rule 1, for 1927 read 1926

The figure X of Rule 3 shall be added thereto

for the words "after the date of publication" the words "from 1st July 1926" shall be substituted

In Rule 5, after the words "Receiver," the words "Interim Receiver," shall be added

(3) In the marginal heading of Rule 13-1 the words "Consideration of" shall be added before "composition"

— In rule 22, in the first sentence the word "court" shall be added before the word "raising"

In Rule 26. subsection (9) after 30 the words "of the Regulation" shall be added

In Rule 27. delete the words

'service of notice' in the first line and add the following "an officer of the Court or of the official Receiver."

List of enclosures.

18/5 Law Soc

LO

Mr Rep. Whitecourt medical

18/5/27

Copied by

Examined by

WD 1885—GPS—L000.60—21-12-21